

House Study Bill 668

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning wine, including the allowable alcohol content
2 of wine and inspection of certain wine permittees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6443HC 81
5 ec/je/5

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1 1 Section 1. Section 123.3, subsections 5 and 37, Code
2 Supplement 2005, are amended to read as follows:
1 3 5. "Alcoholic liquor" or "intoxicating liquor" means the
1 4 varieties of liquor defined in subsections 3 and 33 which
1 5 contain more than five percent of alcohol by weight, beverages
1 6 made as described in subsection 7 which beverages contain more
1 7 than five percent of alcohol by weight but which are not wine
1 8 as defined in subsection 37, and every other liquid or solid,
1 9 patented or not, containing spirits and every beverage
1 10 obtained by the process described in subsection 37 containing
1 11 more than ~~seventeen~~ twenty=four percent alcohol by weight, and
1 12 susceptible of being consumed by a human being, for beverage
1 13 purposes. Alcohol manufactured in this state for use as fuel
1 14 pursuant to an experimental distilled spirits plant permit or
1 15 its equivalent issued by the federal bureau of alcohol,
1 16 tobacco and firearms is not an "alcoholic liquor".
1 17 37. "Wine" means any beverage containing more than five
1 18 percent but not more than ~~seventeen~~ twenty=four percent of
1 19 alcohol by weight obtained by the fermentation of the natural
1 20 sugar contents of fruits or other agricultural products but
1 21 excluding any product containing alcohol derived from malt or
1 22 by the distillation process from grain, cereal, molasses, or
1 23 cactus.
1 24 Sec. 2. Section 123.173, subsection 2, Code 2005, is
1 25 amended to read as follows:
1 26 2. A class "A" wine permit allows the holder to
1 27 manufacture and sell, or sell at wholesale, in this state,
1 28 wine as defined in section 123.3, subsection 37. The holder
1 29 of a class "A" wine permit may manufacture in this state wine
1 30 having an alcoholic content greater than ~~seventeen~~ twenty=four
1 31 percent by weight for shipment outside this state. All class
1 32 "A" premises shall be located within the state. A class "B"
1 33 or class "B" native wine permit allows the holder to sell wine
1 34 at retail for consumption off the premises. A class "B" or
1 35 class "B" native wine permittee who also holds a class "E"
2 1 liquor control license may sell wine to class "A", class "B",
2 2 and class "C" liquor control licensees for resale for
2 3 consumption on the premises. Such wine sales shall be in
2 4 quantities of less than one case of any wine brand but not
2 5 more than one such sale shall be made to the same liquor
2 6 control licensee in a twenty=four=hour period. A class "B" or
2 7 class "B" native wine permittee shall not sell wine to other
2 8 class "B", or class "B" native wine permittees. A class "C"
2 9 native wine permit allows the holder to sell wine for
2 10 consumption on or off the premises.
2 11 Sec. 3. Section 123.182, unnumbered paragraph 2, Code
2 12 2005, is amended to read as follows:
2 13 The label on a bottle or other container in which wine is
2 14 offered for sale in this state, which label represents the
2 15 alcoholic content of the wine as being in excess of ~~seventeen~~
2 16 twenty=four percent by weight, is conclusive evidence of the
2 17 alcoholic content of that wine.
2 18 Sec. 4. Section 137F.1, subsection 9, Code 2005, is

2 19 amended by adding the following new paragraph:

2 20 NEW PARAGRAPH. c. A premises covered by a class "A" wine
2 21 permit or a class "B" wine permit as provided in chapter 123.

2 22 EXPLANATION

2 23 This bill concerns the allowable alcohol content of wine
2 24 and the inspection of premises of certain wine permittees.

2 25 This bill changes the definition of wine for purposes of
2 26 the alcoholic beverage control Code chapter to allow wine
2 27 containing up to 24 percent alcohol. Current law defines wine
2 28 as containing only up to 17 percent alcohol.

2 29 The bill also provides that a premises covered by a class
2 30 "A" or class "B" wine permit is not considered a food
2 31 processing plant for purposes of Code chapter 137F, relating
2 32 to the inspection of food establishments and food processing
2 33 plants.

2 34 LSB 6443HC 81

2 35 ec:nh/je/5